

Appl. No. 10/600,774  
Atty. Docket No. 9281  
Amdt. dated April 3, 2007  
Reply to Office Action of February 5, 2007  
Customer No. 27752

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**REMARKS**

**Claim Status**

Claims 1-17 and 19-20 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended to include the limitation of claim 9, now cancelled.

Claims 10 and 11 have been amended to correct for proper dependency due to the amendment of Claim 1.

Claim 9 is cancelled herein.

Claims 2, 3, 7, 8, 12-14, and 17-20 have been previously cancelled.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

**Rejection Under 35 U.S.C. §103(a) Over Weisman et al. (US Patent No. 4,865,596) in  
view of Takahashi (U.S. Patent No. 6,329,465)**

Claims 1, 4-6, 9 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Weisman et al. (U.S. Patent No. 4,865,596) in view of Takahashi (U.S. Patent No. 6,329,465).

Claim 9 has been cancelled.

Claim 1 has been amended to include the limitation of former Claim 9, specifically, "wherein the facing layer comprises a topsheet and a secondary topsheet".

The Office Action has not indicated where in the cited references is any teaching, suggestion, or disclosure of the limitation of former Claim 9, now in Claim 1.

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The Office Action cited to Takahashi, Col. 70, lines 59-61, Col. 72, lines 59-61, and Col. 73, lines 19-22 for this limitation. Each of these sections is reproduced in full below:

**Elastic Fiber**

The elastic fiber exhibits an elastic recovery of at least  
60 50% at a distortion of 100%, and comprises the ethylene  
copolymer composition (A), (A'), (A'') or (A''').

and the continuous filament has 1 to 2,000 denier/filament.

The fabrics made from the above novel fibers include both  
60 of woven fabric and nonwoven fabric. The nonwoven fabric  
including spunlaced fabric (or fabric twined by hydraulic

The articles which can be produced by the use of the novel  
elastic fiber and fabric disclosed in the present specification 20  
include composite fabric articles desired to have elastic

Clearly, none of these cited portions of Takahashi disclose anything close to a  
“facing layer [that] comprises a topsheet and a secondary topsheet” as claimed limitation  
of Claim 9, now in Claim 1.

Accordingly, Applicants respectfully submit that the Examiner has not make out a  
*prima facie* case of obviousness, and that Claim 1 is therefore not obvious in view over  
Weisman et al. (U.S. Patent No. 4,865,596) in view of Takahashi (U.S. Patent No.  
6,329,465. Therefore, Claim 1 and its dependent claims are non-obvious and patentable  
over over Weisman et al. (U.S. Patent No. 4,865,596) in view of Takahashi (U.S. Patent  
No. 6,329,465.

Applicants respectfully request that the 35 USC §103 rejection of Claims 1, 4-6  
and 11 be withdrawn.

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**Rejection Under 35 U.S.C. §103(a) Over Weisman et al. (US Patent No. 4,865,596) in  
view of Takahashi (U.S. Patent No. 6,329,465) and further in view of Cinelli et al.  
(US Patent Application Pub. No. 2002/0013565).)**

Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Weisman et al. (U.S. Patent No. 4,865,596) in view of Takahashi (U.S. Patent No. 6,329,465), further in view of Cinelli et al. ('565).

As shown above Weisman et al. (U.S. Patent No. 4,865,596) in view of Takahashi (U.S. Patent No. 6,329,465) fails to render Claim 1 obvious. Claim 10 depends from Claim 1. Accordingly, with or without the addition of Cinelli et al., Applicants submit that Claims 15 and 16 are likewise patentable over the cited art.

Applicants respectfully request that the 35 USC §103 rejection of Claim 10 be withdrawn.

**Rejection Under 35 U.S.C. §103(a) Over Weisman et al. (US Patent No. 4,865,596) in  
view of Takahashi (U.S. Patent No. 6,329,465) and further in view of Ohashi et al  
(‘498)**

Claims 15 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Weisman et al. (U.S. Patent No. 4,865,596) in view of Takahashi (U.S. Patent No. 6,329,465), further in view of Ohashi et al. ('498).

As shown above Weisman et al. (U.S. Patent No. 4,865,596) in view of Takahashi (U.S. Patent No. 6,329,465) fails to render Claim 1 obvious. Claims 15 and 16 depend from Claim 1. Accordingly, with or without the addition of Ohashi et al., Applicants submit that Claims 15 and 16 are likewise patentable over the cited art.

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Applicants respectfully request that the 35 USC §103 rejection of Claims 15 and 16 be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1, 4-6, 10-11, 15 and 16 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By

  
Signature

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